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17 **UNITED STATES DISTRICT COURT**
18 **FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

19 CASE NO. CV09-7369 SJO (FFMx)

20 MORGAN KEEGAN & CO., INC.,

21 Petitioner,

22 vs.

23 HORACE GRANT,

24 Respondent.

25 **MORGAN KEEGAN'S OBJECTIONS**
26 **TO DECLARATION OF ANDREW**
27 **STOLTMANN**

28 Date: March 8, 2010
Time: 10:00 a.m.
CTRM: 1

[Filed Concurrently With: Reply In
Support Of Its Motion To Vacate
Arbitration Award; Declaration Of Terry
R. Weiss ; Declaration Of Gerard; Notice
Of Lodging Of CD-ROMs; Objections to
Declaration Of Andrew Stoltmann;
Response to Objections To Declarations
Of Terry R. Weiss, Thomas Frolik And
Points And Authorities]

TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Petitioner Morgan Keegan & Co., Inc. hereby submits the following evidentiary objections to the Declarations of Andrew Stoltmann submitted by Respondent Horace Grant in support of Grant's Opposition to Motion to Compel. The numbered paragraphs below correspond to the numbered paragraphs in the declaration. Evidentiary objections are made pursuant to the Federal Rules of Evidence ("FRE"), the Local Rules of the Central District of the United States District Court of California ("LR") and the Federal Rules of Civil Procedure ("FRCP").

DECLARATION OF ANDREW STOLTMANN

<u>TESTIMONY</u>	<u>OBJECTIONS</u>
¶ 8: "On or about July 2, 2008, the parties submitted their Arbitrator Ranking Form to FINRA. Arbitrator Schwartz appeared on this original list and was ranked by the parties accordingly."	Hearsay (FRE 802); lack of foundation (FRE 602)
¶ 12: "Throughout the course of discovery, the parties exchanged thousands of pages of documents. Petitioner successfully had subpoenas duces tecum executed by the Chairman of the arbitration panel. The parties both filed motions to compel discovery and an oral argument was heard on the parties' discovery motions on April 4, 2009."	Irrelevant (FRE 402)
¶ 13: "FINRA Code of Arbitration Procedure Rule 12514"	Irrelevant (FRE 402); Contains legal conclusions rather than factual evidence (LR 7-7, F.R.C.P. 56(e))
¶ 14: "Pursuant to FINRA Rule 12514, the	Irrelevant (402)

1	parties exchanged lists of witnesses and	
2	documents on August 10, 2009.”	
3	¶ 15: “Respondent filed his Pre-Hearing	Irrelevant (402)
4	Brief on August 10, 2009... “	
5	¶ 16: “Rule 12413 of the FINRA Code of	Contains legal conclusions rather than
6	Arbitration Procedure states”	factual evidence (LR 7-7, FRCP 56(e))
7	¶ 17: “Rule 12406(a) of the FINRA Code	Contains legal conclusions rather than
8	titled “Evidence” states”	factual evidence (LR 7-7, FRCP 56(e))
9	¶ 19: “Thus, the official record of the	Improper speculation and opinion (FRE
10	arbitration hearing is the audio recording	403, FRE 602); irrelevant (FRE 402).
11	of the proceedings, not the transcriptions	
12	attached as Exhibits 1 through 7 to the	
13	Declaration of Tom Frolik, which	
14	represent nothing more than what an	
15	unidentified employee of Mr. Frolik’s	
16	secretarial service heard on the recording.”	
17	¶ 20 is Mr. Stoltmann’s self-serving	Hearsay (FRE 802)
18	summary of Mr. Grant’s testimony.	
19	¶ 23 is Mr. Stoltmann’s self-serving	Hearsay (FRE 802); irrelevant (FRE 402)
20	summary of Mr. Weiss’ cross-examination	
21	of Mr. Grant.	
22	¶ 24 is Mr. Stoltmann’s self-serving	Hearsay (FRE 802); irrelevant (FRE 402)
23	summary of Mr. Wilfong’s testimony.	
24	¶ 25 is Mr. Stoltmann’s self-serving	Hearsay (FRE 802); irrelevant (FRE 402)
25	summary of Mr. Weiss’ cross-examination	
26	of Mr. Wilfong.	
27	¶ 26 is Mr. Stoltmann’s self-serving	Hearsay (FRE 802); irrelevant (FRE 402)
28	summary of Mr. Wilfong’s testimony and	

1	comment regarding the transcript attached	
2	to Mr. Weiss' Declaration in Support of	
3	Morgan Keegan's Motion to Dismiss	
4	¶ 27 is Mr. Stoltmann's self-serving	Hearsay (FRE 802); irrelevant (FRE 402)
5	summary of Respondent's case.	
6	¶ 30 is Mr. Stoltmann's self-serving	Hearsay (FRE 802); irrelevant (FRE 402)
7	summary of Respondent's case.	
8	¶ 31 is Mr. Stoltmann's self-serving	Hearsay (FRE 802); irrelevant (FRE 402)
9	summary of a conversation between Mr.	
10	Weiss and Arbitrator Schwartz.	
11	¶ 33: "Under the California Corporate	Contains legal conclusions rather than
12	Securities Law"	factual evidence (LR 7-7, FRCP 56(e))
13	¶ 34 regarding purported filings in the	Hearsay (FRE 802); lack of foundation
14	instant Petition to Vacate.	(FRE 602)
15	¶ 35 regarding purported filings in the	Hearsay (FRE 802); lack of foundation
16	instant Petition to Vacate.	(FRE 602)
17	¶ 36 regarding purported filings in the	Hearsay (FRE 802); lack of foundation
18	instant Petition to Vacate.	(FRE 602)
19	¶ 37 regarding purported filings in the	Hearsay (FRE 802); lack of foundation
20	instant Petition to Vacate.	(FRE 602)
21	¶ 38 regarding purported filings in the	Hearsay (FRE 802); lack of foundation
22	instant Petition to Vacate.	(FRE 602)
23	¶ 39 regarding purported filings in the	Hearsay (FRE 802); lack of foundation
24	instant Petition to Vacate; "This was	(FRE 602)
25	confirmed in a telephone conversation	
26	with Victor Cruz, Clerk for Hon. S. James	
27	Otero."	
28	¶ 40 regarding purported filings in the	Hearsay (FRE 802); lack of foundation

1 instant Petition to Vacate.	(FRE 602)
2 ¶ 41 regarding purported filings in the 3 instant Petition to Vacate.	Hearsay (FRE 802); lack of foundation (FRE 602)
4 ¶ 42 regarding purported filings in the 5 instant Petition to Vacate.	Hearsay (FRE 802); lack of foundation (FRE 602)
6 ¶ 44 regarding the "Way Back Machine" 7 and Arbitrator Schwartz's website 8	Improper speculation and opinion (FRE 403, FRE 602); hearsay (FRE 802); lack of foundation (FRE 602)
9 Ex. E	Lack of foundation (FRE 602)

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11 DATED: February 22, 2010

12 GREENBERG TRAURIG, LLP

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14 By: /S/ Paul J. Schumacher
15 PAUL SCHUMACHER
16 Attorneys for Petitioners
17 Morgan Keegan & Co., Inc.
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